

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

In Re: Child Victims Act Cases Removed from
State Court

MEMORANDUM & ORDER
23-CV-04791, 23-CV-05107,
23-CV-05122, 23-CV-05138

NICHOLAS G. GARAUFIS, United States District Judge.

Before the Court are four actions brought under the New York Child Victims Act (“CVA”), each alleging sexual abuse by persons associated with The Roman Catholic Diocese of Rockville Centre. The Defendants removed these actions to federal court in the Eastern District of New York, asserting “related to” jurisdiction under the Bankruptcy Code, *see* 28 U.S.C. § 1334. The Plaintiffs in each of these actions have moved to remand back to state court. The Plaintiffs’ motions are GRANTED.

Multiple courts in this District have granted similar motions to remand, sending more than 135 cases back to state courts.¹ For the same reasons set forth by Judge Gonzalez in *In re: Child Victims Act Cases Removed From State Court*, the court finds that mandatory abstention applies under 28 U.S.C. § 1334(c)(2). *See* 2023 WL 5287067, at *6-8. The court takes particular note of the

¹ *See In re: Child Victims Act Cases Removed From State Court*, No. 23-CV-4761 (AMD), 2023 WL 5718006 (E.D.N.Y. Sept. 5, 2023); *In re: Child Victims Act Cases Removed from State Court*, No. 23-CV-4723 (PKC), 2023 WL 5587623 (E.D.N.Y. Aug. 29, 2023); *In re: Child Victims Act Cases Removed from State Court*, No. 23-CV-4789 (ARR), 2023 WL 5436138 (E.D.N.Y. Aug. 23, 2023); *In re: Child Victims Act Cases Removed from State Court*, No. 23-CV-4782 (DG) (Dkt. 13) (E.D.N.Y. Aug. 22, 2023); *In re: Child Victims Act Cases Removed from State Court*, No. 23-CV-4584 (JMA), 2023 WL 5287219 (E.D.N.Y. Aug. 17, 2023); *In re: Child Victims Act Cases Removed From State Court*, No. 23-CV-04741 (HG), 2023 WL 5287067 (E.D.N.Y. Aug. 17, 2023); *In re: Child Victims Act Cases Removed From State Court*, No. 23-CV-5029 (GRB), 2023 WL 5123396 (E.D.N.Y. Aug. 10, 2023).

resources that New York has provided its courts to efficiently adjudicate claims brought under the CVA, including special trial preferences, specialized training for judges and rules designed to promote efficient resolution of these claims. *See In re Child Victims Act Cases Removed From State Court*, 2023 WL 5123396, at *4 (citing N.Y. C.P.L.R. § 3403(a)(7) and 22 N.Y.C.R.R. § 202.72). These resources indicate that the state court system can timely adjudicate the complex issues that CVA cases present. *See* 28 U.S.C. § 1334(c)(2) (requiring abstention when, among other requirements, the action “can be timely adjudicated” in state court); *see also Parmalat Cap. Fin. Ltd. v. Bank of Am. Corp.*, 639 F.3d 572, 580 (2d Cir. 2011) (reviewing four factors courts in this Circuit consider when determining whether timeliness is met under § 1334(c)(2)).

Even if mandatory abstention did not apply, remand would still be appropriate under the doctrines of permissive abstention, *see* 28 U.S.C. § 1334(c)(1), and equitable remand, *see* 28 U.S.C. § 1452(b). *See In Re: Child Victims Act Cases Removed From State Court*, 2023 WL 5287067 at *8. Plaintiffs assert solely state law claims that arise under a statute that implicates “a wide array of substantive and procedural issues that the New York courts have a strong interest in addressing.” *See id.* The local significance of the CVA weighs strongly in favor of remanding these cases under the doctrines of permissive abstention and equitable remand. *See Worldview Ent. Holdings, Inc. v. Woodrow*, 611 B.R. 10, 20 (S.D.N.Y. 2019) (noting that these doctrines are “essentially the same and are often analyzed together”).

Accordingly, the court remands each of following cases back to state court:

- *William Gordon v. St. Agnes Cathedral et al.*, E.D.N.Y. Docket No. 23-CV-4791, Nassau County Index No. 900089/2021;

- *ARK600 Doe v. St. Brigid et al.*, E.D.N.Y. Docket No. 23-CV-5107, Nassau County Index No. 900235/2021;
- *ARK384 Doe v. Sisters of St. Joseph et al.*, E.D.N.Y. Docket No. 23-CV-5122, Nassau County Index No. 900086/2021;
- *Michael Smith v. St. Patrick's Roman Catholic Church et al.*, E.D.N.Y. Docket No. 23-CV-5138, Nassau County Index No. 900397/2021.

SO ORDERED.

Dated: Brooklyn, New York
September 15, 2023

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge